

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

IN RE: ACTOS (PIOGLITAZONE)

MDL NO. 6:11-md-02299

This document applies to:

JUDGE DOHERTY

Civil Action No. 6:13-cv-02617

MAGISTRATE JUDGE HANNA

Civil Action No. 6:14-cv-01423

**REPORT AND RECOMMENDATION**

Judy Rooker (the plaintiff in Civil Action No. 6:13-cv-02617) and Pavel Kogen (the plaintiff in Civil Action No. 6:14-cv-01423) are unrepresented. They were ordered to appear in court on March 15, 2016. (Rec. Doc. 6200). Although they were served with notice of the hearing, both failed to appear as ordered. (Rec. Doc. 6274). Ms. Rooker and Mr. Kogen were then ordered to appear in court on April 26, 2016. (Rec. Doc. 6274). Ms. Rooker was served (Rec. Doc. 6283), and so was Mr. Kogen (Rec. Doc. 6300). However, both of them again failed to appear as ordered. The order further provided that if an individual was unable to appear, he or she was to notify this Court either by e-mail at the address provided or by regular mail. Neither Ms. Rooker nor Mr. Kogen provided any such notification.

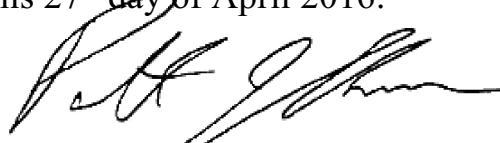
The record reflects that both Ms. Rooker and Mr. Kogen have personally failed to abide by the Court's orders on multiple occasions without justification. Accordingly,

IT IS RECOMMENDED that the claims asserted by Ms. Rooker and Mr. Kogen be dismissed without prejudice pursuant to Fed. R. Civ. P. 41 due to these parties' failure to comply with the court's orders.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5<sup>th</sup> Cir. 1996).

Signed at Lafayette, Louisiana, on this 27<sup>th</sup> day of April 2016.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', written over a horizontal line.

PATRICK J. HANNA  
UNITED STATES MAGISTRATE JUDGE